

## भसाधारण EXTRAORDINARY

भाग II—खण्ड 2
PART II—Section 2
प्राधिकार से प्रकाशित

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इस भाग में भिन्न पूष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके। Separate paging is given to this Part in order that it may be filed as a separate compilation.

#### RAJYA SABHA

The following Bill was introduced in the Rajya Sabha on the 12th March, 1997:—

BILL No. XIV of 1997

A Bill further to amend the Navy Act, 1957.

BE it enacted by Parliament in the Forty-eighth Year of the Republic of India as follows:—

1. This Act may be called the Navy (Amendment) Act, 1997.

Short title.

62 of 1957.

2. In section 3 of the Navy Act, 1957 (hereinafter referred to as the principal Act), for clause (16), the following clause shall be substituted, namely:—

Amendment of section 3.

- '(16) "officer" means a commissioned officer and includes—
  - (a) a subordinate officer other than a petty officer;
  - (b) a commissioned officer re-employed as such;'.
- 3. In section 79 of the principal Act, for the words "Provided further that", the following shall be substituted, namely:—

Amendment of section 79.

"Provided further that in computation of the said period of three years, any time during which,—

(a) the commission of the offence was not known to the person aggrieved by the offence or to the authority competent to initiate action, the first day on which such offence comes to the knowledge of such person or authority, whichever is earlier; (b) it was not known by whom the offence was committed, the first day on which the identity of the offender is known to the person aggrieved by the offence or to the authority investigating into the offence, whichever is earlier, shall be excluded:

Provided also that where the institution of the prosecution in respect of an offence has been stayed by an injunction or order, then, in computing the said period of three years, the period of the continuance of the injunction or order, the day on which it was issued or made and the day on which it was withdrawn shall be excluded:

Provided also that".

# Amendment of section 94.

- 4. In section 94 of the principal Act, for sub-sections (1), (2), (2A) and (3), the following sub-sections shall respectively be substituted, namely:—
  - "(1) The Central Government may impose on any officer below the rank of commander one or more of the following punishments, namely:—
    - (a) forfeiture of seniority in rank of not more than twelve months;
    - (b) forfeiture of time for promotion of not more than twelve months;
    - (c) mulcts of pay and allowances.
  - (2) The Chief of the Naval Staff may impose on any officer below the rank of commander one or more of the following punishments, namely:—
    - (a) forfeiture of seniority in rank of not more than six months;
    - (b) forfeiture of time for promotion of not more than six months;
    - (c) mulcts of pay and allowances.
  - (2A) The Flag Officer Commanding-in-Chief of a naval command may, subject to regulations made under this Act, impose on any officer below the rank of commander one or more of the following punishments, namely:—
    - (a) forfeiture of seniority in rank of not more than three months;
    - (b) forfeiture of time for promotion of not more than three months;
    - (c) severe reprimand or reprimand;
    - (d) mulcts of pay and allowances.
  - (3) The commanding officer of a ship may, subject to regulations made under this Act, impose on any subordinate officer one or more of the following punishments, namely:—
    - (a) forfeiture of seniority in rank of not more than three months;
    - (b) forfeiture of time for promotion of not more than three months;
    - (c) mulcts of pay and allowances.".

# Amendment of section 133.

- 5. In section 133 of the principal Act, for sub-section (6), the following sub-section shall be substituted, namely:—
  - "(6) Any document purporting to be a report, under the hand of, or-
  - (a) any Chemical Examiner or Assistant Chemical Examiner to the Government;
    - (b) the Chief Inspector of explosives;
    - (c) the Director of Finger Print Bureau;
    - (d) the Director of Haffkeine Institute, Bombay;
  - (e) the Director, Deputy Director or Assistant Director of a Central Forensic Science Laboratory or a State Forensic Science Laboratory;
    - (f) the Scrologist to the Government,

upon any matter or thing duly submitted to him for examination or analysis, may be used as evidence in any proceeding under this Act.".

6. In section 151 of the principal Act,--

(a) in sub-section (1), for the word, brackets and figure "sub-section (2)", the words, brackets and figures "sub-sections (2) and (3)" shall be substituted;

(b) after sub-section (2), the following sub-section shall be inserted, namely:—

"(3) Whenever any offender is sentenced by a court-martial to a term of imprisonment, in pursuance of this Act, not being imprisonment in default of payment of fine, the period spent by him in civil or naval custody during investigation, inquiry or trial of the same case, and before the date of order of such sentence, shall be set off against the term of imprisonment imposed upon him, and the liability of such offender to undergo imprisonment on such order of sentence shall be restricted to the remainder, if any, of the term of imprisonment imposed upon him."

7. In section 163 of the principal Act, in sub-section (1), clause (e) shall be omitted.

Amendment of section 163.

Amendment of section 151.

8. After section 163, the following section shall be inserted, namely:—

Insertion of new section 163A,

"163A. Where any person is tried under the provisions of this Act, the Central Government or the Chief of the Naval Staff or the Flag Officers Commanding-in-Chief of the Naval Commands may in the case of conviction either with or without conditions release the person on parole.".

Provision relating to parole.

9. In section 176 of the principal Act, in clause (b), for the words "ten thousand rupees in value", the words "the prescribed amount not exceeding rupees one lakh in value" shall be substituted.

Amendment of section 176.

10. In section 184 of the principal Act, in sub-section (2), after clause (q), the following clause shall be inserted, namely:—

Amendment of section 184.

"(qa) the amount required to be prescribed under clause (b) of section 176;".

11. Chapter XXII of the principal Act and the heading relating thereto shall be omitted.

Omission of Chapter XXII.

### STATEMENT OF OBJECTS AND REASONS

In the light of the difficulties faced and experience gained from the administration of the Navy Act, 1957 it is proposed to, make certain further amendments to the said Act to overcome certain difficulties and to remove certain deficiencies therein.

- 2. The amendments proposed to be made in the Act, inter alia, are as follows:—
- (a) clause (16) of section 3 of the Act is proposed to be amended so as to bring, re-employed officers within the scope of the definition of 'Officer';
- (b) section 79 of the Act is proposed to be amended so as to exclude the time during which the offence did not come to the knowledge of the competent authority or the aggrieved person and the time during which stay order was in force to prevent cases becoming time barred;
- (c) section 94 of the Act is sought to be amended to empower the authorities referred to in that section to impose penalty of mulcts of pay and allowances for minor offences like unauthorised absence, etc. This will avoid the ordering of court martial for such minor offences;
- (d) sub-section (6) of section 133 of the Act is proposed to be amended to provide that the reports of certain other experts like Chief Inspector of Explosives, Director of Finger Print Bureau, etc., shall also be admissible in evidence in addition to the reports of the Chemical Examiner and Assistant Chemical Examiner to the Government on the lines of section 293 of the Code of Criminal Procedure, 1973;
- (e) sub-section (1) of section 151 is proposed to be amended on the lines of section 428 of the Code of Criminal Procedure, 1973 to provide that the period spent by an offender in custody shall be set off against imprisonment awarded to him:
- (f) it is proposed to insert a new section 163A so as to enable the Flag Officer Commanding-in-Chief of the Naval Command also to release prisoners on parole. At present the said power vests only with the Central Government and the Chief of the Naval Staff;
- (g) clause (b) of section 176 is proposed to be amended to enhance the amount which can be disbursed without the production of exclusive evidence of title like probate or letters of administration from ten thousand to an amount not exceeding one lakh rupees which may be prescribed by way of rules. Consequently a new clause is sought to be inserted in sub-section (2) of section 184 to empower the Central Government to make rules;
- (h) Chapter XXII of the Act dealing with officers of the Royal Navy is proposed to be omitted, since it is no longer relevant.
- 3. The Bill seeks to achieve the above objects.

MULAYAM SINGH YADAV.

#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill seeks to insert a new clause (qa) in sub-section (2) of section 184 of the Navy Act, 1957 to empower the Central Government to suitably enhance the amount which can be paid to the entitled person without the production of probates of will, succession certificate, etc., by the Government of India.

2. This is a matter of detail necessary for effective administration of the provision of the Bill and it is difficult to provide for a fixed higher amount for all the years to come in the Bill itself. The delegation of legislative power is, therefore, of a normal character.

V. S. RAMA DEVI, Secretary-General.